

REMARKS

Claims 1, 4-9, 21-23, and 29-35 were pending in the application. By this paper, independent claims 1 and 34 have been canceled and dependent claims 4, 6, 8, 29, and 35 have been amended. New independent claims 36 and 37 have been added to replace canceled claims 1 and 34. Claims 21-23 remain withdrawn as being directed to a non-elected species of the invention. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Consideration of Response After Final Rejection

New independent claims 36 and 37 do not raise new issues for consideration or require additional or new searching. These new claims merely present, in a better or clearer manner, subject matter that has been previously claimed and argued. Thus, it is requested that the examiner consider this response and reconsider the rejection. If a new action is issued, the action should be non-final as a result.

Claim Rejections – 35 U.S.C. §102

Claims 1, 4-9, and 29-35 have been rejected as anticipated by Gorgi, U.S. Patent No. 6,155,643 (Gorgi). The office action states that Gorgi discloses a seat having a backrest with a top portion movably connected to and vertically adjustable relative to a bottom portion. Gorgi discloses a conventional office chair having a backrest (8) adjustably slidable along a support slide (7). The action identifies the backrest (8) of Gorgi as corresponding to the applicants' claimed top portion and identifies the support slide (7) of Gorgi as corresponding to the bottom portion. The applicants have canceled independent claims 1 and 34 and rewritten them as new claims 36 and 37, respectively. Claims 36 and 37 are believed to more clearly and precisely convey the differences between the cited reference and the claimed invention.

Claim 36 recites in part a backrest having a top portion and a bottom portion. *Each of the top portion and the bottom portion is recited as having a support surface to engage and support a portion of an occupant's body.* The top portion is also recited as being *movably connected to and vertically adjustable relative to the bottom portion.* Claim 37 similarly recites in part a backrest having a top portion and a bottom portion. *Each of the top portion and the bottom portion having a support surface to contact and support a portion of an occupant's back.* The

top portion is recited as being *movably connected* to the bottom portion to *permit selective adjustment of the top portion vertically upward or downward relative to the bottom portion*. Thus, each new independent claim clearly points out that both the top and bottom portions of the backrest contact or engage the occupant and are vertically adjustable relative to one another.

As pointed out in the previous response, Gorgi does not disclose a backrest having two separate portions (top portion and bottom portion) that both contact the seat occupant and that are adjustable relative to one another. As is clearly seen in Gorgi, the backrest (8) is a single structure that slides along a slide support (7). The slide support (7) does not contact or engage any part of the seat occupant. Gorgi thus does not disclose a backrest having a top portion and a bottom portion with each top portion and bottom portion having a support surface that engages or contacts and supports a portion of an occupant's body or back. The slide support (7) does not have a support surface as claimed, and instead merely provides a guide for the single part backrest (8).

Gorgi does not teach or suggest all of the limitations of independent claims 36 and 37. As a result, claims 36 and 37, and their respective dependent claims 4-9, 29-33, and 35 are neither anticipated nor rendered obvious by the teachings of Gorgi. The applicants respectfully request that the amendment be entered, that the rejections be withdrawn, and that the pending claims at issue be allowed.

Withdrawn Claims 21-23

The applicants also respectfully request that withdrawn claims 21-23 be reinstated and allowed. These claims depend from an allowable base claim that is generic to the previously identified species.

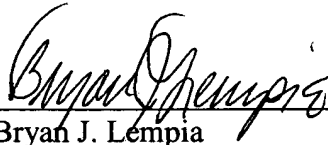
CONCLUSION

Claims 4-9, 29-33, and 25-37 are believed to be in condition for allowance in view of the foregoing amendments and the following remarks. Reconsideration and withdrawal of the rejections and allowance of the pending claims are respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bryan J. Lempia", is written over a horizontal line.

Bryan J. Lempia
Reg. No. 39,746
Lempia IP Group, LLC
223 W. Jackson Blvd.
Suite 620, Brooks Bldg.
Chicago, Illinois 60606
(312) 291-0860

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